



*Michelle Lujan Grisham*  
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Lt. Governor

**NEW MEXICO  
ENVIRONMENT DEPARTMENT**

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*James C. Kenney*  
Cabinet Secretary Designate

*Jennifer J. Pruett*  
Deputy Secretary

**Certified Mail - Return Receipt Requested**

March 25, 2019

Mr. Robert Eichenour  
Canada del Oso Ranch  
1910 Vale Brook Drive  
Spring, Texas 77373

Re: **Mr. Robert Eichenour Private Homeowner Construction Site; Construction Stormwater; SIC 1522; NPDES Compliance Evaluation Inspection; NPDES #NMU001987; February 27, 2019**

Dear Mr. Eichenour:

Enclosed please find a copy of the report for the referenced inspection that the New Mexico Environment Department (NMED) conducted at your facility on behalf of the U.S. Environmental Protection Agency (USEPA). This inspection report will be sent to the USEPA in Dallas for their review. These inspections are used by USEPA to determine compliance with the National Pollutant Discharge Elimination System (NPDES) permitting program in accordance with requirements of the federal Clean Water Act.

Introduction, detailed site observations, and findings noted during this inspection are discussed in the Further Explanationns section of the inspection report.

You are encouraged to review the inspection report, required to correct any problems noted during the inspection, and advised to modify your operational and/or administrative procedures, as appropriate. If you have comments on or concerns with the basis for the findings in the NMED inspection report, please contact us (see the address below) in writing within 30 days from the date of this letter. Further, you are encouraged to notify in writing both the USEPA and NMED regarding modifications and compliance schedules at the addresses below:

Robert Houston  
US Environmental Protection Agency, Suite 1200  
Department Enforcement Branch (6EN-WS)  
1445 Ross Avenue  
Dallas, Texas 75202-2733

Sarah Holcomb, Program Manager  
New Mexico Environment  
Surface Water Quality Bureau  
Point Source Regulation Section  
P.O. Box 5469  
Santa Fe, New Mexico 87502

Mr. Robert Eichenour  
March 25, 2019  
NMU001987

If you have any questions about this inspection report, please contact Daniel Valenta at 505-827-2575 or at [daniel.valenta@state.nm.us](mailto:daniel.valenta@state.nm.us).

Sincerely,

*/s/Sarah Holcomb*

Sarah Holcomb  
Surface Water Quality Bureau

Cc: Carol Peters-Wagnon, USEPA (6EN-WM) by e-mail  
David Long, USEPA (6EN-WM) by e-mail  
Amy Andrews, USEPA (6EN-WM) by e-mail  
David Esparza, USEPA (6EN-WM) by e-mail  
Robert Houston, USEPA (6EN-WS) by e-mail  
Darlene Whitten-Hill, USEPA (6EN-WC) by e-mail  
Nancy Williams, USEPA (6EN-WC) by e-mail  
Robert Italiano, NMED Region II



Form Approved  
OMB No. 2040-0003  
Approval Expires 7-31-85

## NPDES Compliance Inspection Report

### Section A: National Data System Coding

Transaction Code	NPDES	yr/mo/day	Inspec. Type	Inspector	Fac Type
1 N 2 5 3 N M U 0 0 1 9 8 7 11 12 1 9 0 2 2 7 17 18 }				19 S 20 2	
Remarks					
C O N S T R U C T I O N > 5 A C R E					
Inspection Work Days	Facility Evaluation Rating	BI	QA	Reserved	
67 69	70 1	71 N	72 N	73 74 75	80

### Section B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number)	Entry Time /Date 1034/2-27-2019	Permit Effective Date 2-16-2017
Private Resident, Canada del Oso Ranch, Canada del Carro Road, Guadalupita, New Mexico Mora County	Exit Time/Date 1237/2-27-2019	Permit Expiration Date 2-16-2022
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)	Other Facility Data	
Mr. Ron Jameson, Chaparral Construction, (719)-989-1337, (719)-742-0294	LAT 36.107888 N	
Name, Address of Responsible Official/Title/Phone and Fax Number	LONG -105.31918 W	
Mr. Robert Eichenour, Canada del Oso Ranch, 1910 Val Brook Drive, Spring, Texas 77373	SIC 1522	
	Contacted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

### Section C: Areas Evaluated During Inspection

(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

U Permit	N Flow Measurement	U Operations & Maintenance	N CSO/SSO
U Records/Reports	N Self-Monitoring Program	N Sludge Handling/Disposal	N Pollution Prevention
U Facility Site Review	N Compliance Schedules	N Pretreatment	N Multimedia
N Effluent/Receiving Waters	N Laboratory	U Storm Water	N Other:

### Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

- The disturbance covers 30 acres, 1.5 miles of impacted stream, no CGP permit has not been applied for. No SWPPP was available for review at the time inspection on 2/27/2019.
- Please see further explanations for details.

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Telephone/Fax	Date
Daniel Valenta /s/Daniel Valenta	NMED/SWQB 505-827-2575	3/25/2019
Signature of Management QA Reviewer	Agency/Office/Phone and Fax Numbers	Date
Jennifer Foote /s/Jennifer Foote	NMED/SWQB 505-827-2637	3/25/2019

**Canada del Oso Ranch  
Mr. Robert Eichenour  
NMU001987**

**Further Explanations**

**Introduction**

On February 27, 2019 a Compliance Evaluation Inspection (CEI) was conducted by Daniel Valenta of the NMED SWQB accompanied by Sandra Gabaldon and Alan Klatt (NMED-SWQB). An entrance interview was conducted at the site with Mr. Ron Jameson, Chaparral Construction, at approximately 1034 on February 27, 2019. The inspector made introductions, presented his credentials and discussed the purpose of the inspection. A brief exit interview to discuss the preliminary findings of the inspection was conducted at the site with Mr. Ron Jameson at approximately 1237 on February 27, 2019.

This report is based on a review of the EPA online notice of intent (eNOI) database, review of files maintained by NMED, readily available on-line aerial photographs, on-site observation by NMED personnel, and verbal information provided by the site representative. On December 19, 2018 Mr. Alan Klatt (NMED-SWQB) completed a site inspection for compliance with section 401 & 404, see attachment 1 for report.

The construction site entails approximately a 30-acre disturbance which includes approximately 1.5-miles of stream/channel. The La Canada del Carro is a tributary to Coyote Creek and the Mora River. CWA section 303(d) listed impairments include nutrients, specific conductivity, temperature for Coyote Creek, and nutrients and E. coli for the Mora River. La Canada del Carro does not have an Assessment Unit ID. The downstream, receiving AU is Coyote Creek, NM-2306.A\_23. La Canada del Carro has not been classified or assessed by SWQB.

Land disturbing activities has the potential to contribute more sediment to streams than is deposited naturally over several decades and can cause severe erosion in downstream receiving waters. New Mexico's Legislature recognized that the application of poor harvesting practices on private lands created long term impacts on our water quality, wildlife, and the economic stability of surrounding communities. The results of poor practices were large destructive wildfires, epidemic insect infestations, and sedimentation of streams and lakes. Landowners who wish to harvest in an area of twenty-five (25) acres or more, or in a combination of areas totaling twenty-five (25) acres or more in a calendar year, need to apply with the Forestry Division for a harvest permit. No required Harvest permit was applied for and required harvesting practices complied with, see <http://www.emnrd.state.nm.us/SFD/ForestMgt/documents/ForestPracticesGuidelines2008.pdf>.

Section 404 of the Clean Water Act requires approval from the U.S. Army Corp of Engineers (USACE) prior to discharging dredged or fill material into waters of the United States (U.S.). Any person, firm, or agency (including Federal, state, tribal and local governmental agencies) planning to work in waters of the United States should first contact the USACE regarding the need to obtain a permit from the Regulatory Division. Failure to receive and implement proper permit coverage would be a violation of the Clean Water Act. No USACE 404 permit was applied for. The USACE issued a Cease and Desist order, Action Number SPA-2018-00091-ABQ, on January 4, 2019.

**Canada del Oso Ranch  
Mr. Robert Eichenour  
NMU001987**

**Clean Water Act and Permit Requirements**

Section 301 (a) of the Federal Water Pollution Control Act states that *“Except as in compliance with this section and sections 302, 306, 307, 318, 402 and 404 of this Act, the discharge of any pollutant by any person shall be unlawful.”*

Per 40 CFR Part 122.26, storm water discharges associated with construction activity are required to obtain coverage under an NPDES permit. Large construction activity is defined in 40 CFR Part 122.26(b) (14) (x), as follows: *“Construction activity including clearing, grading and excavation, except operations that result in the disturbance of less than five acres of total land area. Construction activity also includes the disturbance of less than five acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more.”*

Beginning on February 16, 2017 storm water discharges associated with construction activities that will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land; or have been designated by EPA as needing permit coverage under 40 CFR 122.26(a)(1)(v) or 40 CFR 122.26(b) (15) (ii).

Permit coverage is required from the “commencement of construction activities” until “final stabilization” as defined in Appendix A of the USEPA’s 2017 Construction General Permit (CGP).

The 2017 CGP, Definitions, Appendix A, states, “Operator” – for the purposes of this permit and in the context of stormwater discharges associated with construction activity, any party associated with a construction project that meets either of the following two criteria:

1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications or.
2. The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions.

This definition is provided to inform permittees of EPA’s interpretation of how the regulatory definitions of “owner or operator” and “facility or activity” are applied to discharges of stormwater associated with construction activity. Subcontractors generally are not considered operators for the purposes of this permit.

**Finding:**

- The logging, clearing and regrading occurred in the headwaters of the La Canada del Carro. The valley was clear cut of all trees and vegetation. No SWPPP was prepared, no BMP’s in place, and no NOI submitted for a Construction General Permit.

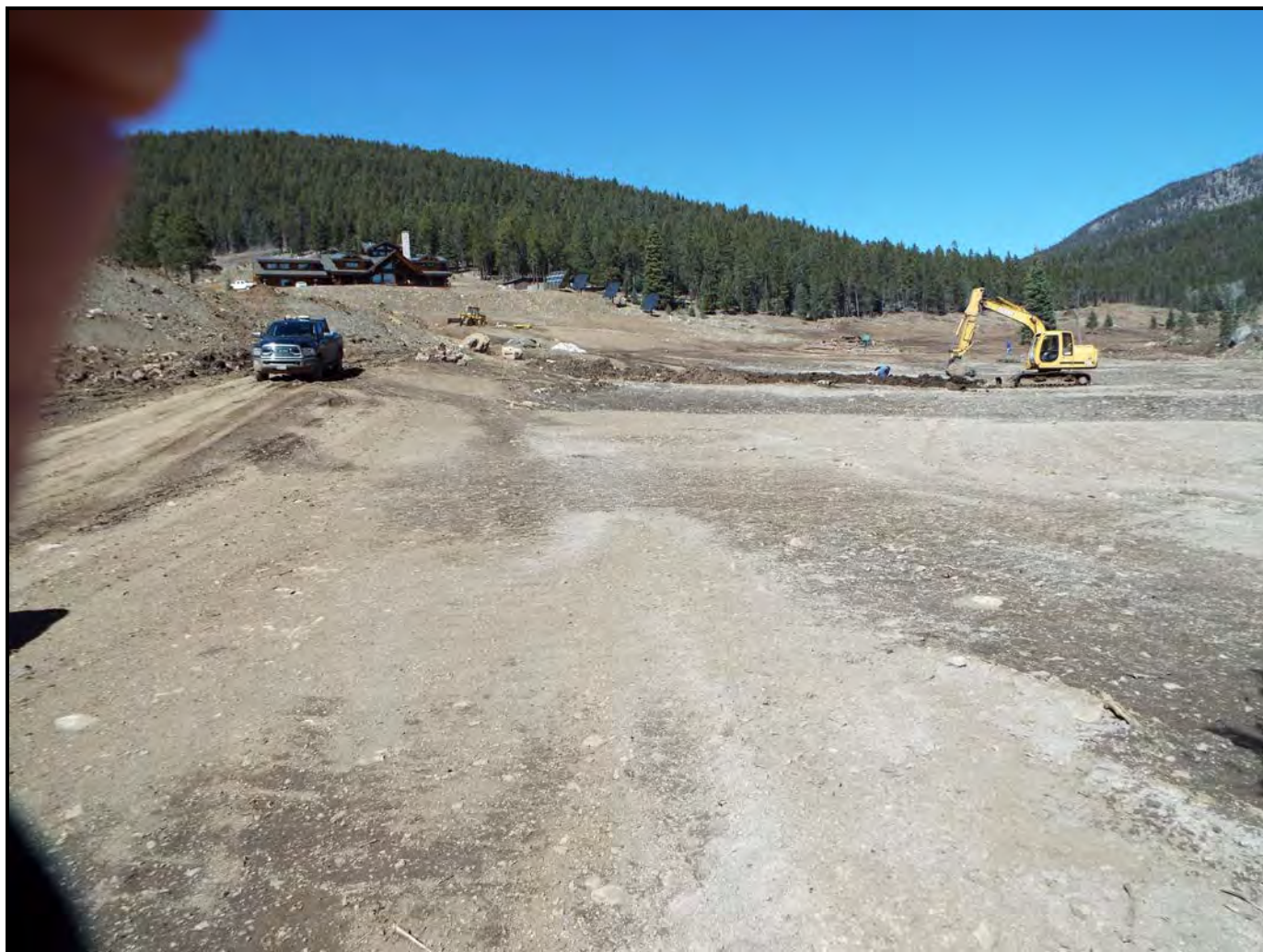
**Canada del Oso Ranch  
Mr. Robert Eichenour  
NMU001987**

- Earthwork activity graded and pushed material (soil, rock, downed trees, slash) into portions of La Canada del Carro including adjacent wetlands. Approximately 400-ft of La Canada del Carro was completely graded and buried, and approximately 0.75-miles of the stream (straight line distance) was relocated and straightened. An undetermined area of wetlands has been drained using trenches. For a short video of the area see: <https://www.env.nm.gov/swqb/NMU001987-20190227-Video1.MOV> and <https://www.env.nm.gov/swqb/NMU001987-20190227-Video2.MOV>
- Until proper soil stabilization, stream restoration, and reestablishment of riparian canopy is achieved, discharges from the disturbed area may enter the downstream undisturbed section of the La Canada del Carro. Downstream water courses and wetlands will be at a high risk for elevated turbidity, surface water temperature, stream bottom deposits, and additional water quality standards that are supported by proper functioning wetlands and riparian areas.
- The heavily impacted reaches of Canada del Carro may not support the designated uses of livestock watering, wildlife habitat, marginal warmwater aquatic life, and primary contact that have been designated for intermittent waters of the state.

**NMED/SWQB  
Official Photograph Log**

Photo # 1

Photographer: Daniel Valenta	Date: February 27, 2019	Time: 1221 hours
City/County: Guadalupita/Mora County		
Location: Canada del Oso Ranch, Canada del Carro Road, Guadalupita, New Mexico		
Subject: Canada del Oso Ranch house in the headwaters of the La Canada de Carro,		





**NMED/SWQB  
Official Photograph Log**

Photo # 2

Photographer: Daniel Valenta	Date: February 27, 2019	Time: 1216 hours
City/County: Guadalupita/Mora County		
Location: Canada del Oso Ranch, Canada del Carro Road, Guadalupita, New Mexico		
Subject: Looking downstream in the headwaters of the La Canada de Carro.		





**NMED/SWQB  
Official Photograph Log**

Photo # 3

Photographer: Daniel Valenta	Date: February 27, 2019	Time: 1212 hours
City/County: Guadalupita/Mora County		
Location: Canada del Oso Ranch, Canada del Carro Road, Guadalupita, New Mexico		
Subject: Looking downstream in the headwaters of the La Canada de Carro.		





**NMED/SWQB  
Official Photograph Log**

Photo # 4

Photographer: Daniel Valenta	Date: February 27, 2019	Time: 1147 hours
City/County: Guadalupita/Mora County		
Location: Canada del Oso Ranch, Canada del Carro Road, Guadalupita, New Mexico		
Subject: Looking upstream to the highest part of the clearing.		





**NMED/SWQB  
Official Photograph Log**

Photo # 5

Photographer: Daniel Valenta	Date: February 27, 2019	Time: 1140 hours
City/County: Guadalupita/Mora County		
Location: Canada del Oso Ranch, Canada del Carro Road, Guadalupita, New Mexico		
Subject: The La Canada del Carro was filled in and small wetlands covered. A new channel was dug to drain the area.		





**NMED/SWQB  
Official Photograph Log**

Photo # 6

Photographer: Daniel Valenta	Date: February 27, 2019	Time: 1140 hours
City/County: Guadalupita/Mora County		
Location: Canada del Oso Ranch, Canada del Carro Road, Guadalupita, New Mexico		
Subject: Holding pond was constructed.		





**NMED/SWQB  
Official Photograph Log**

Photo # 7

Photographer: Daniel Valenta	Date: February 27, 2019	Time: 1221 hours
City/County: Guadalupita/Mora County		
Location: Canada del Oso Ranch, Canada del Carro Road, Guadalupita, New Mexico		
Subject: Road running downhill out of the valley.		





**NMED/SWQB  
Official Photograph Log**

Photo # 8

Photographer: Daniel Valenta	Date: February 27, 2019	Time: 1234 hours
City/County: Guadalupita/Mora County		
Location: Canada del Oso Ranch, Canada del Carro Road, Guadalupita, New Mexico		
Subject: Entrance to the property, hay bales have been staked down.		





**NMED/SWQB  
Official Photograph Log**

Photo # 9

Photographer: Daniel Valenta	Date: February 27, 2019	Time: 1234 hours
City/County: Guadalupita/Mora County		
Location: Canada del Oso Ranch, Canada del Carro Road, Guadalupita, New Mexico		
Subject: Entrance to the property, hay bales have been staked down. Note the undisturbed section of the La Canada del Carro.		



# Attachment 1



**Inspection Report: Clean Water Act Section 401 & 404**  
**La Canada Del Carro**  
**Surface Water Quality Bureau (SWQB)**  
**Watershed Protection Section**

**Date, Start-End Time:** 12/19/2018, 12 p.m. - 3 p.m.

**Report Date:** 12/21/2018

**Location:** Canda del Oso Ranch, Canda del Carro Road, Guadalupita, New Mexico.

**Coordinates:** Latitude: 36.107888°, Longitude: -105.31918°

**Water Name:** La Canada del Carro

**Water Type:** The National Hydrography Dataset identifies La Canada del Carro as intermittent; However, the flowing water observed on 12/20/2018 supports that this reach may be perennial. La Canada del Carro has not been classified or assessed by SWQB.

**AU ID:** La Canada del Carro does not have an Assessment Unit ID. The downstream, receiving AU is Coyote Creek, NM-2306.A\_23

**Description of Activity:** The private landowner explained the activity was conducted to enhance wildlife habitat and create fire breaks. The total disturbance area that was visited during this inspection, estimated from Google Earth, is approximately 30-acres which includes impacts to approximately 1.5-miles of channel. No erosion and sediment controls were in place to mitigate impacts and to protect water quality. The landowner's consultant described the area of work included 600-acres of treatments.

**Inspectors(s):** Alan Klatt (NMED-SWQB), Deanna Cummings (USACE), Daniel Delgado (USACE)

**Contact/Operator Representatives(s):** Landowner: Robert Eichenour

Consultant: Ron Jameson of Chaparral Construction  
(hired after the unauthorized 404 activity occurred)

**Objective:** Assess dredge and fill activities under Clean Water Act Section 404 and evaluate consistency with the CWA § 401 Water Quality Certification.

**Photos or Water Quality Samples Taken:** photos were taken

**Summary, Observations, Information Obtained:**

The United States Army Corps of Engineers (USACE) issued a cease and desist letter on 12/19/2018 for unauthorized work in La Canada del Carro, a water of the United States. A corrective action plan and emergency stabilization measures will be required by the USACE. The corrective action plan and emergency stabilization measures will be limited to the Corps jurisdiction which includes areas within the ordinary high water mark and adjacent wetlands. Best management practices designed to minimize impacts to water quality such as setbacks or buffer zones, silt fences, straw wattles, hydromulching, revegetation, or offline sediment retention basins were not present during the site visit. La Canada del

Carro, is a tributary to Coyote Creek and the Mora River. CWA section 303(d) listed impairments include nutrients, specific conductivity, temperature for Coyote Creek, and nutrients and E. coli for the Mora River. Earthwork activity graded and pushed material (soil, rock, downed trees, slash) into portions of La Canada del Carro including adjacent wetlands. Approximately 400-ft of La Canada del Carro was completely graded and buried, and approximately 0.75-miles of the stream (straight line distance) was relocated and straightened. An undetermined area of wetlands has been drained using trenches (as the stated intent of the property owner). Until proper soil stabilization, stream restoration, and reestablishment of riparian canopy is achieved, La Canada del Carro will be at a high risk for elevated turbidity, surface water temperature, stream bottom deposits, and additional water quality standards that are supported by proper functioning wetlands and riparian areas. The heavily impacted reaches of Canada del Carro may not support the designated uses of livestock watering, wildlife habitat, marginal warmwater aquatic life, and primary contact that have been designated for intermittent waters of the state. If Canada del Carro is determined to be perennial, then the designated use of warmwater aquatic life would replace the marginal warmwater aquatic life use. Concerns not directly related to state Surface Water Quality Standards (*State of New Mexico, New Mexico, Standards for Interstate and Intrastate Surface Waters, New Mexico Water Quality Control Commission, 20.6.4 New Mexico Administrative Code*) such as potential air pollution, forest practices, water rights, and wildlife will be referred to the appropriate authority to ensure compliance with respective environmental rules and regulations.



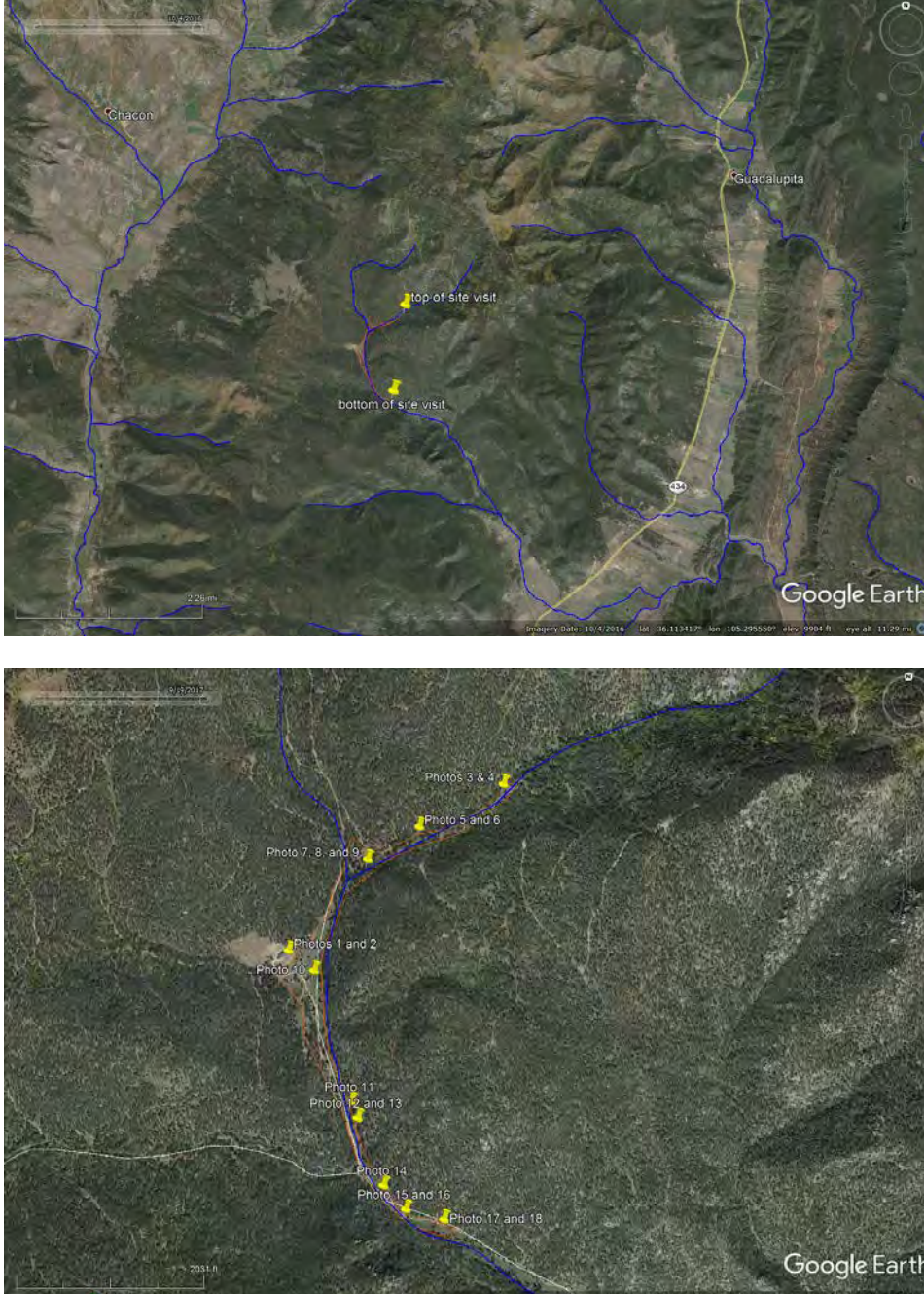
Description	Image: Google Earth
<p>Google Earth image of the general location the site visit, 5-miles southwest of Guadalupeita.</p> <p>Yellow markers indicated the top and bottom of the site visit and the photo points.</p> <p>The red outline is the approximate area where clearing and grading activities were observed – approximately 30 acres.</p> <p>The blue stream lines are from the National Hydrography Dataset.</p>	 <p>The top image is a Google Earth satellite view of a mountainous region. A red outline delineates a specific area. Two yellow markers are placed on the red outline, labeled 'top of site visit' and 'bottom of site visit'. Blue lines represent stream channels. The bottom image is a zoomed-in view of the same area, showing the red outline more clearly. Yellow markers are placed along the red outline, each labeled with a photo number: 'Photos 1 and 2', 'Photo 10', 'Photo 11', 'Photo 12 and 13', 'Photo 14', 'Photo 15 and 16', 'Photo 17 and 18', 'Photos 3 &amp; 4', and 'Photo 5 and 6'. The blue stream lines are also visible in this closer view.</p>



Photo 1

Lat: 36.107892°

Long: -105.319684°

Looking south, down valley. The photo shows some of the heavy equipment that has been in operation. A pond captures surface flows from a small tributary to Canada del Carro. The mainstem of La Canada del Carro was relocated and straightened to the toe of valley left (looking down valley) – shown clearly in photos 10 and 11.



Photo 2

Lat/Long: Same as Photo 1

Looking northeast, up valley. A log landing can be seen next to a deer feeder. Extensive bare ground with no erosion control measures in place poses a significant risk to water quality.





Photo 3

Lat: 36.113611°

Long: -105.310556°

Looking northeast, up valley, at the upmost extent of the site visit. La Canada del Carro is on the photo left, just behind the tree line. The ground has been cleared and graded, material has been pushed into portions of the channel – see photos 5 through 8.



Photo 4

Lat/Long: Same as Photo 3

Looking southwest, down valley. Canada del Carro is in photo right, just behind the tree line. Multiple piles of slash were being burned throughout the valley.





Photo 5

Lat: 36.112222°

Long: -105.314167°

Rock, soil and tree debris was pushed across La Canada del Carro, blocking flows, and filling in the channel.



Photo 6

Lat: 36.111944°

Long: -105.314444°

Additional rock, soil and tree debris was pushed across La Canada del Carro, blocking flows, and filling in the channel.





Photo 7

Lat: 36.111111°

Long: -105.316389°

Looking east, across the valley. The channel originally crossed over from valley right to valley left in this location, but the channel had been graded over and was no longer identifiable.



Photo 8

Lat: 36.111111°

Long: -105.316389°

Looking up valley at timber slash that has completely filled and covered La Canda del Carro.





Photo 9

Lat: 36.111111°

Long: -105.317222°

Looking down valley, over the west fork of La Canada del Carro at multiple piles of burning slash.



Photo 10

Lat: 36.107222°

Long: -105.318611°

Looking up valley, Canada del Carro has been relocated to valley left and straightened.





Photo 11

Lat: 36.102778°

Long: -105.316944°

Looking up valley, approximately  $\frac{3}{4}$  of a mile of La Canada del Carro was relocated and straightened. With this straightened and steepened channel configuration that lacks bank and riparian vegetation, erosion will be a significant concern to water quality and designated uses.



Photo 12

Lat: 36.102222°

Long: -105.316667°

Top of a newly created pond located within La Canada del Carro.





Photo 13

Lat/Long: Same as  
Photo 12

Bottom of the newly  
created pond located  
within La Canada  
del Carro..



Photo 14

Lat: 36.100000°  
Long: -105.315556°

A second newly  
created pond located  
within La Canada  
del Carro..





Photo 15

Lat: 36.0992°

Long: -105.3146°

Further downstream, looking up valley at the continued disturbance and relocation of La Canada de Carro.



Photo 16

Lat/Long: Same as Photo 15

Redoximorphic soil features shown here are indicative of wetland soils. Trenching through a wetland and relocating the channel to this location will likely result with these routinely saturated soils being drained at an increased rate and saturated less frequently.





Photo 17

Lat: 36.098889°

Long: -105.313056°

Looking up valley, bare ground and tree debris indicates continued activity along La Canada del Carro. An area of dormant sedges, a wetland indicator species, was left undisturbed and is shown in the right side of this photo.



Photo 18

Lat/Long: Same as Photo 17

Looking downvalley at the bottom most portion of the site visit. Approximately 150 feet of channel was not disturbed and may potentially be used as a reference reach for restoration efforts upstream.





Photo 19

Lat: 36.099444°

Long: -105.315000°

A poorly designed, constructed and/or maintained culvert that is at risk of being blocked and overtopping the road and contributing to increased sediment loading.



June 25, 2019

Ron Jameson  
13201 State Highway 12  
La Veta CO, 81055

**RECEIVED**

**JUL 02 2019**

**SURFACE WATER  
QUALITY BUREAU**

Ms. Sarah Holcomb, Program Manager  
New Mexico Environment  
Surface Water Quality Bureau  
Point Source Regulation Section  
PO Box 5469  
Santa Fe, NM 87502

Re: Mr. Robert Eichenour Private Homeowner Construction Site; Construction Stormwater; SIC 1522;  
NPDES Compliance Evaluation Inspection; NPDES #NMU001987; February 27, 2019

Ms. Holcomb

I am providing some comments to the findings listed in the NPDES Compliance Evaluation Inspection report. There are four bulleted findings listed in the report and I have comments on all four findings.

The first bulleted finding describes the unpermitted activities that occurred in the headwaters of the La Canada del Carro. However, the finding also states that there were no BMP's in place. In fact, there are 2 inline ponds in the downstream reaches of La Canada del Carro on the Canada del Oso ranch that serve to mitigate excess sediment transport to reaches below the ranch property. These ponds serve as excellent BMP's and at the end of May 2019 there was no evidence in either pond that excess sediment had been transported from the disturbed areas upstream by winter/spring runoff events.

The second bulleted finding was factually true on February 27, 2019. However, as of June 24, 2019 properly permitted work has corrected the vast majority of these issues.

The third bulleted point appears to be speculation and not a finding of fact. Because of the inline ponds and the nature of the channel and upland substrate I would suggest that downstream water courses and wetlands will be at relatively low risk of sediment issues from Canada del Oso activity. As for elevated temperature claims please refer to Table 1 for measured air and water temperature values taken in the early morning and late afternoon on 6/25/19 at several locations on the Canada del Oso ranch. The discharge at this time was less than 0.5 cfs at the downstream property line. At this date, time and discharge it doesn't appear that water temperature will be an issue. It is impossible to address the "additional water quality standards" clause in this bullet as it is overbroad and the state water quality bureau has neither assessed or classified any location on La Canada del Carro with regard to state water quality standards.

Table 1. Measured air and water temperatures on La Canada del Carro June 25, 2019.

6/25/19 Time:	7:50 am – 8:15 am		4:45pm – 5:09pm	
Location	Air Temp °C(F)	Water Temp °C(F)	Air Temp °C(F)	Water Temp °C(F)
Above Scenario 1	14 (57.2)	8 (46.4)	29 (84.2)	12 (53.6)
Top Scenario 2	14 (57.2)	9 (48.2)	29 (84.2)	17 (62.6)
Above Pond 1	15 (59.0)	8 (46.4)	29 (84.2)	19 (66.2)
Below Pond 2	14 (57.2)	11 (51.8)	28 (82.4)	19 (66.2)
Property Line	14 (57.2)	10 (50.0)	27 (80.6)	19 (66.2)

The fourth bulleted point again appears to be speculation and not a finding of fact. Observed daily use by elk, bear, deer, turkey, coyote, birds and other critters in the impacted reaches of La Canada del Carro on the Canada del Oso ranch would render the assumption about designated uses to be false. Casual observations of Ephemeroptera, Trichoptera, Diptera, Coleoptera and Hemiptera in the relocated reach of La Canada del Carro would indicate that marginal warmwater aquatic life is probably more resilient than the bullet point author assumed.

Thank you for the opportunity to comment on the report. While a response was not required, it is probably most fair to Mr. Eichenour to present additional perspective for the record, particularly for those reading the report that would not have an opportunity to see the site in person. Fortunately, fully permitted construction to correct the issues addressed in this report will likely be finished in 2-3 weeks time.

These comments were prepared for Ron Jameson by Jim Nankervis, Blue Mountain Consultants, LLC.

Ron Jameson

